IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 9878 of 2007(A)

PETITIONER:

KURIAKOSE PUNNOSE, EDASSERIL HOUSE,
RANNY.

BY ADV. SRI.JACOB P.ALEX

RESPONDENTS:

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1. SECRETARY, RANNY GRAMA PANCHAYATH,
RANNY P.O, PATHANAMTHITTA PIN 689 672.

2. DISTRICT MEDICAL OFFICER,
PATHANAMTHITTA.

3. TALUK HEALTH SUPERVISOR/HEALTH INSPECTOR
PHC, VECHOOCHIRA, RANNY.

4. ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
PATHANMTHITTA.

5. PRASAD MANIMALETHU
MANIMALETHU HOUSE,
RANNY P.O.

R1 BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
SRI.C.S.MANILAL
R2 & R3 BY SR. GOVT. PLEADER SRI. K.J.MOHAMMED ANZAR.
R4 BY SRI.M.K.CHANDRAMOHAN DAS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.9878 of 2007

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Dated this the 12th day of July, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Complaint is one of contamination of petitioner's well water. Petitioner has approached this court earlier with a writ petition culminating in Ext.P2 judgment. As per Ext.P2 judgment this court had inter alia directed as follows:

> "The 3rd respondent will conduct an inspection of the well and the latrine pit in question and prepare a report regarding contamination, if any, of the well water on account of the unscientific nature of latrine pit maintained by the 5th respondent in his property and also regarding the adequacy of the latrine from the point of view of sanitation. Water sample shall be taken from the petitioner's well and necessary analysis conducted before report is submitted before the first respondent Panchayat. The 4th respondent also will conduct similar inspection and submit report to the first respondent. The reports must contain data regarding the extent of seepage from the latrine of the 5th respondent to the well of the petitioner. The first respondent upon receiving these two reports will issue

further notice to the 5th respondent and take a final decision on Ext.P2 application submitted by the petitioner. The concerned respondents will ensure that the above directions are complied with at the earliest and at any rate within ten weeks of them receiving copy of this judgment together with copy of the entire paper book pertaining to this writ petition."

Pursuant to the same Ext.P3 was given by the Medical Officer and Ext.P4 was given by the Pollution Control Board. Petitioner preferred Exts.P5, P6 and P6 representations. This court had passed an interim order on 22.3.2007, which reads as follows:

"Not admitted.

G.P. takes notice for R2 and R3.

Sri. M.K.Chandramohan Das takes notice for R4. Issue urgent notice on admission by speed post to R1 and R5. Post on 9.4.2007. In the meanwhile, there will be a direction to the Secretary of the Panchayat not to pass any orders until further reports are received from the Medical Officer and from the Pollution Control Board on the basis of Exts.P6 and P7 submitted by the petitioner."

2. According to the petitioner, the interim order came to be

passed on the basis that the specific source of contamination was not specifically pointed out. No order has been passed by the first respondent pursuant to Ext.P2 judgment apparently in view of the interim order passed by this court also.

3. Heard counsel appearing for the parties.

The writ petition is disposed of as follows:

It is submitted on behalf of the Pollution Control Board that the Pollution Control Board has already submitted a further report. A copy of the further report submitted by the fourth respondent in the matter shall be made available to the first respondent within a period of two weeks from the date of receipt of a copy of this judgment. Any report, which the Medical Officer (third respondent) has prepared on the basis of Ext.P6 request shall also be transmitted to the first respondent within a period of three weeks from the date of receipt of a copy of this judgment. The first respondent shall serve a copy of the report submitted by the fourth respondent to the fifth respondent. Thereafter the report, if any, received from the third respondent will also be given to the petitioner and fifth respondent and the first respondent will

proceed in the matter as directed by this court in Ext.P2 judgment and final decision will be taken within a period of ten weeks from the date of receipt of a copy of this judgment after hearing the parties.

(K.M. JOSEPH, JUDGE)

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